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6 *Attorneys for the United States*

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 JOSUE GARCIA-RODRIGUEZ,
aka JUAN PABLO MUNGIA-GARCIA,
aka JOSUE GARCIA CHAPO,

13 Defendant.

14 Case No.: 2:20-cr-00236-JCM-EJY
2:17-CR-190-JCM

15 **Stipulation to Continue Waiver of
16 Indictment, Plea, and Sentencing
17 Hearing and the Revocation of
18 Supervised Release Hearing**

19
20 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.
21 Trutanich, United States Attorney, and Kimberly M. Frayn, Assistant United States
22 Attorney, counsel for the United States of America, and Nisha Brooks-Whittington,
23 Assistant Federal Public Defender, counsel for Defendant JOSUE GARCIA-
24 RODRIGUEZ, also known as Juan Pablo Mungia-Garcia, and Josue Garcia Chapo
("Garcia" or "defendant"), that the Waiver of Indictment, Plea, and Sentencing Hearing in
2:20-cr-00236-JCM-EJY, and the Revocation of Supervised Release Hearing in 2:17-CR-
190-JCM, both currently set for October 23, 2020 at 10:30 a.m. be continued to a date and

1 time convenient to the Court, but not sooner than 21 days from the date of the current
2 setting in this case.

3 This stipulation is entered into for the following reasons:

4 1. The United States Attorney's Office has developed an early disposition
5 program for immigration cases, authorized by the Attorney General pursuant to the
6 PROTECT ACT of 2003, Pub. L. 108-21.

7 2. The early disposition program for immigration cases is designed to: (1) reduce
8 the number of hearings required in order to dispose of a criminal case; (2) avoid having
9 more cases added to the court's trial calendar, while still discharging the government's duty
10 to prosecute federal crimes; (3) reduce the amount of time between complaint and
11 sentencing; and (4) avoid adding significant time to the grand jury calendar to seek
12 indictments in immigration cases, which in turn reduces court costs.

13 3. The defendant has accepted a plea offer in this case that requires defendant to
14 waive specific rights and hearings in exchange for "fast-track" downward departure under
15 USSG § 5K3.1 in case number 2:20-cr-00236-JCM-EJY. This same plea agreement also
16 resolves the Petition for Supervised Release Violations pending against the defendant in
17 2:17-CR-190-JCM. The Waiver of Indictment, Plea, and Sentencing Hearing in 2:20-cr-
18 00236-JCM-EJY, and the Revocation of Supervised Release Hearing in 2:17-CR-190-JCM
19 is presently set for October 23, 2020, at 10:30 a.m.

20 4. Undersigned government counsel will be on medical leave from October 21,
21 2020, until at least October 28, 2020 and will be unavailable to appear at the October 23rd
22 hearings. Defendant is in custody and does not oppose the brief 21-day delay. Defense
23 counsel agrees to the hearings' continuances.

5. The continuances are not sought merely for delay, but to allow the government continuity of counsel. The defendant will not be unduly prejudiced by the brief delay. A preliminary hearing on the pending criminal complaint is currently scheduled for December 8, 2020, at 4:00 p.m. in case number 2:20-mj-00318-DJA and will not be disturbed by the requested 21-day continuance. Accordingly, the parties stipulate and agree to the hearings' 21-day continuances requested herein.

6. This is the first request to continue the October 23rd hearings.

DATED this 7th day of October, 2020.

Respectfully submitted,

NICHOLAS A. TRUTANICH
United States Attorney

/s/ Nisha Brooks-Whittington
NISHA BROOKS_WHITTINGTON
Assistant Federal Public Defender
Counsel for Defendant
Josue Garcia-Rodriguez

/s/ Kimberly M. Frayn
KIMBERLY M. FRAYN
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Case No.: 2:20-cr-00236-JCM-EJY
2:17-CR-190-JCM

Plaintiff,

V.

JOSUE GARCIA-RODRIGUEZ,
aka JUAN PABLO MUNGIA-GARCIA,
aka JOSUE GARCIA CHAPO,

Order on Stipulation to Continue Waiver of Indictment, Plea, and Sentencing Hearing and the Revocation of Supervised Release Hearing

Defendant.

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served:

IT IS THEREFORE ORDERED that the Waiver of Indictment, Plea, and Sentencing Hearing in 2:20-cr-00236-JCM-EJY, and the Revocation of Supervised Release Hearing in 2:17-CR-190-JCM, both currently set for October 23, 2020 at 10:30 a.m. be vacated and continued to 11/20/2020 at the hour of 11:00 A.M.

DATED this 9th day of October, 2020.

HONORABLE JAMES C. MAHAN
UNITED STATES DISTRICT COURT JUDGE